IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:	**Case No. 19-34054-sgj-11**
	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.,	Dallas, Texas
	August 31, 2022
	9:30 a.m. Docket
Reorganized Debtor.	
	STATUS CONFERENCE RE: MOTION FOR FINAL APPEALABLE ORDER FILED BY JAMES DONDERO [3406]

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STACEY G.C. JERNIGAN,
UNITED STATES BANKRUPTCY JUDGE.

APPEARANCES:

For the Reorganized Debtor:	Jeffrey Nathan Pomerantz PACHULSKI STANG ZIEHL & JONES, LLP 10100 Santa Monica Blvd., 11th Floor Los Angeles, CA 90067 (310) 277-6910
For the Reorganized Debtor:	Melissa S. Hayward HAYWARD, PLLC 10501 N. Central Expressway, Suite 106 Dallas, TX 75231 (972) 755-7104
For James Dondero, Movant:	Michael Justin Lang CRAWFORD WISHNEW & LANG, PLLC 1700 Pacific Avenue, Suite 2390 Dallas, TX 75201 (214) 817-4500
Recorded by:	Michael F. Edmond, Sr. UNITED STATES BANKRUPTCY COURT 1100 Commerce Street, 12th Floor Dallas, TX 75242 (214) 753-2062

Transcribed by: Kathy Rehling
311 Paradise Cove
Shady Shores, TX 76208
(972) 786-3063

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

DALLAS, TEXAS - AUGUST 31, 2022 - 9:40 A.M.

THE COURT: All right. We have a status conference in the Highland matter. So, before I get appearances, let me just kind of set the stage here. The impetus for this was a motion filed by six different entities, including James Dondero and NexPoint and HCMFA and Dugaboy Family Trust. It was titled a Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. Section 455.

So that was filed, and then Highland filed a motion to strike certain items that were in the appendix. And there was -- how many -- I've been counting pages here. I think there was a 365-page appendix. And Highland wanted to strike certain documents in that appendix. And then there was an alternative request by Highland to compel depositions of certain persons if those documents weren't stricken.

So I felt the need for a status conference. After originally setting this motion for hearing, I decided to convert today to a status conference because, to be perfectly honest, I didn't understand what in the heck the Movants were procedurally seeking.

Okay. So, I'm aware that Highland's motion to strike and Highland's motion to compel were later resolved by stipulation, but -- and then I guess an amended motion was filed by Movants. But I'm still confused, and so I just want to kind of talk about process and procedure.

I will say -- and I see Mr. Pomerantz on the video, and Ms. Hayward and many others -- if we want to talk more generally status, I'm open to that, because I have become aware that the Fifth Circuit affirmed in substantial part the confirmation order, so I don't know if, in light of that, the parties want to talk about big-picture status.

MR. POMERANTZ: Your Honor, I could address that briefly. I don't think we're prepared today --

THE COURT: Okay.

MR. POMERANTZ: -- for a number of reasons. One because the other adversaries aren't here. But suffice it to say we read the order and we intend to bring an appropriate motion before Your Honor to implement the Fifth Circuit opinion, and will do so relatively soon.

THE COURT: Okay. Thank you. All right. So, with that, let me go ahead and get formal appearances on the motion before the Court. So, for the Movants, Mr. Lang, are you the one appearing for the Movants?

MR. LANG: Yes, Your Honor.

THE COURT: All right. And for Highland, who do we have appearing on this motion, the status conference?

MR. POMERANTZ: Good morning. Jeff Pomerantz; Pachulski Stang Ziehl & Jones; on behalf of Highland Capital.

THE COURT: Okay. And I'll just ask. I know we have observers, but is there anyone else who wanted to make an

appearance on this particular motion?

(No response.)

THE COURT: All right. Well, Mr. Lang, I'm turning it over to you. Can you explain to me exactly what you're seeking with your motion? I know it's about recusal, --

MR. LANG: Sure.

THE COURT: -- but we've plowed a lot of ground, and I'm kind of confused about the --

MR. LANG: No, that's good. That's fair.

THE COURT: -- procedure.

MR. LANG: And I just want to let you know that we conferred with Highland's counsel, and they have no objection -- and I understand the Court, you know, has some issues that you want to discuss -- but they have no objection to our request to remove the reservation language.

Highland also, now that we have stipulated to the removal of the three documents that they had an issue with, Highland also doesn't object to Movants' appendix and supplementing the record. And likewise, Movants do not object to Highland's appendix and supplementation of the record. Just so you know, that's unopposed on those issues.

With respect to what we are seeking, we are seeking for the Court just to issue an order removing the reservation language. As the Court is aware, Judge Kinkeade raised the issue about that reservation language in the response

briefing. Highland seized upon that language and -- or, argued that the recusal order was not final because Your Honor had, you know, could potentially supplement or amend the recusal order in the future.

And we are trying to get this in a position to get this reviewed on appeal, even if it's through mandamus, and are trying to eliminate any obstacles that might pop up due to that reservation language. So, it's really that simple on that issue.

THE COURT: Okay. Let me --

MR. POMERANTZ: Your Honor, may I --

THE COURT: Well, yes, but let me just ask this one very basic question. If all you are seeking at the end of the day is for this Court to remove the one sentence at the end of the March order that provided the Court reserves the right to supplement or amend, why didn't you just file a motion saying that?

MR. LANG: Well, we say --

THE COURT: And what I'm talking about is it's a lengthy motion. As I mentioned, it had 365 pages of supplemental material. And that's why we're here on a status conference, because I didn't understand exactly what you were seeking to do. You know, why would you file such a thick motion if all you were seeking was for me to remove? Why wouldn't you have just said -- you know, I guess cited Rule

54? I guess that would be the applicable authority. I mean, so help me to understand. Have you evolved your approach? Did you originally think you wanted more and then now you're seeking to narrow it to just having the Court delete that sentence, or what?

MR. LANG: No. That goes to your second issue about the supplementation. You know, the United States Supreme Court in the *Liteky* case states that, you know, when you've got a recusal, you look at events occurring in the course of the proceedings that evidence deep-seated favoritism or antagonism. So you look at the entire course of the proceeding.

We put in additional examples. I think all but one of the transcripts was after the recusal motion was filed and after the order. And it is, you know, this isn't a single-issue case and it's not a situation where, you know, for example, the Court owns stock in a company that was one of the parties. This is, you know, from our perspective, it's an ongoing case that's still in process, and that in the course of the proceedings there have been statements made and things that happened that we believe are going to be reviewed to apply the standard.

And so it is -- the supplementation goes to things that happened after the recusal. And so we are supplementing to add that. And that's -- even the Fifth Circuit says that you

look at the entire course of the judicial proceedings when reviewing a recusal motion.

So that's -- that was the second point that you raised, which is why, 17 months after the order, are we supplementing? It is because the proceedings continued and we believe it's just additional examples and -- that support the relief that we request, and we're putting it in the record, and we wanted the Court to review it.

I think we say in the motion, or in the reply, you know, we don't -- we don't think the Court is going to come to a different conclusion, but regardless, we wanted to put the information in the record and put it before the Court, and the Court can review it and make the ruling that the Court is going to make, and then we'll just go from there.

THE COURT: All right. One more question for now, and then, Mr. Pomerantz, I'll hear from you.

Again, I care about procedure, as I hope any court does. It occurred to me that there were two ways that might procedurally be proper to raise the issues here. One, as I mentioned, just a simple, I guess, Rule 54 motion: Please, Judge, take out that last sentence of your order, because some day we want to have a final order that we can appeal. And I don't think taking out that order, I mean, that one sentence, is going to make it a final order.

But then the second -- so that could have been the motion.

Or you could have filed just a new motion to recuse, I guess, and added a new record.

But it just felt like you were -- well, I was just confused. That's why we're here. And I said I was going to turn to Mr. Pomerantz, but one more question for you. Do you think if I remove the one sentence from my March 2021 order, all of a sudden you have a final appealable order that you could immediately file a new appeal on?

MR. LANG: No. What I previously said was that that language, as Highland argued, creates, you know, an argument that the Court has left open the issue on recusal. And we think that removing that language makes Your Honor's ruling on this final for purposes of allowing us to seek mandamus. So that's -- that's why we -- just remove the argument that if we seek mandamus, that, no, the Court is not done with this issue, the Court has left open the prospect, you know, prospect of later amending or supplementing the ruling. And so we're just trying to get that hurdle out of the way.

THE COURT: Okay. So you acknowledge that if the last sentence is removed, it's still not going to be a final appealable order because of the posture of the bankruptcy case, but you think it somehow gives you the ability to seek a petition for writ of mandamus?

MR. LANG: I think it removes an argument when we seek a petition for writ of mandamus that this is not -- that

the Court is not done with this issue and therefore it would be premature.

So we're just removing -- again, the argument was made after Judge Kinkeade raised the issue about that language in the order, the argument was made by Highland that that language means that the Court is not done with the issue, potentially not done, and the Court reserved the right to visit that issue at a later date, and therefore, you know, the judge -- the Court's not done dealing with the issue.

So we are asking the Court, just remove that language, remove that potential obstacle, and allow us to go forward with whatever procedural rights we have.

THE COURT: Okay.

MR. LANG: We're not asking the Court --

THE COURT: I'm just trying --

MR. LANG: -- to declare --

THE COURT: I'm trying not to waste judicial resources. And as I understood the Judge Kinkeade ruling, which I went back and read -- I hadn't read it before you filed this new motion -- while he makes a passing reference to the last sentence of my March 2021 order, he gives about five reasons why an order denying a motion to recuse is not a final appealable order until the end of the proceedings it's filed in.

And so I read the opinion as there was established case

law that, even if that last sentence hadn't been in there, you didn't have a final appealable order. Do you read it differently?

MR. LANG: No, I don't read his opinion differently. And that's why I said that, you know, as far as the petition for writ of mandamus, we don't have to have a final -- the proceeding doesn't have to be final. It's a different avenue for appeal.

And so Judge Kinkeade did not consider, even though we asked him to go ahead and just consider this a petition for writ of mandamus, Judge Kinkeade denied that request, so he did not rule on that issue. And that's why, again, removing the language eliminates the argument under the mandamus -- when the mandamus is filed, it just eliminates the argument that the Court is not done dealing with the issue.

THE COURT: He denied -- okay. Well, there was something in that ruling that made you think, hey, if you go back and get this last sentence removed, then maybe I would consider a petition for writ of mandamus in this context?

MR. LANG: No. At the end of the order, he said he denies Appellants' request to construe their appeal as a petition for writ of mandamus. So the way it was procedurally postured, he said it could not be appealed.

THE COURT: Did --

MR. LANG: But the mandamus position remains open.

And when he, being Judge Kinkeade, after the briefs were filed, he obviously was looking at it, he questioned his jurisdiction, he requested briefing on the jurisdiction, because in that order that he sent out requesting the briefing, he pointed out -- you know, one of the issues he pointed out was the Court's language, the reservation language in the order. And, again, Highland argued that because of that language, among other things, that language made the order not final.

So all we're saying, all we're asking is just remove that language so when we file the writ of mandamus that argument isn't there. The Court is done dealing with the issue. Nobody can disagree with it.

You know, nobody -- Highland is not agreeing that we, you know, can seek mandamus, so I'm not saying that. And I'm not asking the Court to agree to that. Mandamus is a -- we believe is an option. It's still on the table. And we're just dealing with one issue that came up before and just trying to head it off before -- so that we don't have to come back down and ask the Court to remove it later.

THE COURT: All right. Mr. Pomerantz, what do you want to say about this?

MR. POMERANTZ: So, Your Honor, this is extremely frustrating. I know Your Honor had said you didn't want to waste Court time. There has already been a tremendous amount

of Court time that's wasted.

When we got this motion, it was a head-scratcher. We read it as seeking way more things than what Mr. Lang is saying now. If he had called up and asked us if we had any issue, subject to Your Honor's agreement, to remove that last sentence, we would have said we don't, because the briefing before the District Court and the District Court's decision have really nothing to do with that last sentence. Maybe the -- Judge Kinkeade mentioned it in his December order, but it's clear, as Your Honor mentions, from the reading of the District Court opinion that it is irrelevant.

And the argument that the Court, the District Court which denied interlocutory appeal is somehow, once that sentence is eliminated, going to entertain and grant a writ of mandamus is farcical. It's just not going to happen. And unfortunately, what's going to happen is we're going to have to spend more time, more money, and more effort.

And Your Honor, I know the motion to strike has been resolved, but I'd just like to mention it, because this is -- continues to be frustrating from the Highland side. They filed an appendix that sought to slip in three letters written by attorneys for various Dondero entities that were essentially a smear campaign, a smear campaign on Mr. Seery, a smear campaign on the Independent Directors, incidentally, which may be actionable in its own right.

That had nothing to do with bias. They wanted to slip that in, somehow it would get into the appellate record, if and when they ever got to an appeals court.

So what do we do, Your Honor? We called them up, called Mr. Lang up and said, will you withdraw the letters? There's no basis for those to be included in the appendix. He said no. Said, okay, will you make the deponents -- the people who wrote the letters available for deposition? Wouldn't agree to that, either.

And then we go to the time and the money, we file our motion to strike, and lo and behold, which has become a considerable pattern in this case, Your Honor, what does Mr. Lang do? He calls up and says, I will withdraw the letters. Okay? That's aside. We got what we wanted. There's nothing we can do. But it is kind of frustrating, how that -- how that played out.

Your Honor, this motion, to the extent it asks for that sentence to be removed, that's fine. Again, we think it's a legal nullity. What Mr. Lang asked for in his motion is for Your Honor to issue a final order. Your Honor can't determine whether your order is final. We've made that point in our opposition. It seems maybe now Mr. Lang is walking back on that. There's nothing you can do. Your Honor can issue an order; it'll be up to the District Court.

With respect to the supplement, Your Honor, as we put in

the record, we think all the quote/unquote evidence that was submitted just is a severe mischaracterization of the record. And it's important, Your Honor, that not only does the -- we agree that the evidence can come in, but we think Your Honor has to make a determination whether those additional allegations of bias and evidence do in fact demonstrate bias. What we think Mr. Lang wanted to do, or the Appellants wanted to do, or the Movants, they wanted to have that information come in and argue at first blush to the Appellate Court that that is bias, without having had Your Honor make the initial determination, as you would have if there was a motion to reconsider, as you would have if there was a new motion.

And so we think it's very important that Your Honor consider those additional allegations. We think categorically they do not demonstrate any bias, and our Exhibit A goes through each item and points out the severe mischaracterizations.

So, Your Honor, we've wasted a lot of time. We've wasted a lot of money. But if all they want is to remove that sentence, supplement the record, have Your Honor deny the motion yet again after considering the additional evidence, we do not have an opposition to that. But it was -- kind of took a long time and a lot of money to get to this place.

Thank you, Your Honor.

THE COURT: All right. And Mr. Lang, on the subject

of it took a lot of time and a lot of money, estate resources, to get to this place, I just want to note a couple of things. And I guess I'm happy to hear any response to these things that I feel very frustrated about.

Again, my focus at this point is judicial resources as well as estate resources. And no judge, no judge looks lightly on a motion to recuse. Okay? Any judge, I would think, is going to have some self-introspection. Like, oh my goodness, what would motivate someone to think this needs to be urged?

But, so on the topic of -- again, I want you to respond to this, Mr. Lang -- my concern about judicial resources and estate resources.

The timeline here -- and I always talk about timelines, I know -- but this Court signed the confirmation order in this case February 22, 2021, and your motion to recuse was filed about a month later, March 18, 2021. Now, here's the first thing I'll mention about judicial resources and estate resources. Your motion and brief to recuse included an appendix that was 200 -- no, excuse me, 2,722 pages long. Okay?

So any judge, again, has to take it seriously when a motion to recuse is filed. And the standard is I have to stand back and look at would a reasonable person have concerns here. So I can't just say, I know I'm not biased, I don't

think I'm biased; I have to look at what a reasonable person might think.

So you presented to me a 2,722-page appendix for me to do my job and look at what would a reasonable person think. So, then would it raise a doubt in the mind of a reasonable observer as to the judge's impartiality?

So I think here's another point that goes to judicial resources. I had my law clerk, just out of curiosity, count up for me how many orders that I had signed as of the day that the motion to recuse was filed, March 18, 2021, and I had presided over the bankruptcy case for 15 months at that point, but it had been in Delaware for two months before Dallas. On the day you had filed your motion to recuse, March 18, 2021, I had signed 263 orders in the Highland bankruptcy case and the adversary proceedings. It's a lot more now, of course. But so I suppose, if I was really to do my job thoroughly, I might look not merely at your 2,722 pages of appendix attached to your motion to recuse, but all 263 orders I had entered to see, hmm, would a reasonable observer question my impartiality?

So, anyway, this is all about judicial resources and estate resources. So, going down the timeline, March 23, 2021, five days after you filed the motion to recuse -- after, I will tell you, I won't say I dropped everything to pore through this, but spent a lot of time -- I issued an order

denying the motion to recuse.

Now, here's inside baseball, okay, if there ever was: The last sentence, reserving the right to supplement or amend, here's why I did it. I didn't know it would cause a brouhaha. Maybe I didn't give it enough thought. But in reading the case law during those many days and hours I spent focusing on your motion to recuse, I realized that most of the case law says you don't have to have a hearing, okay, the statute doesn't require a hearing, the case law says you don't have to have a hearing. And I cited some of that my order. But I thought, these Movants, after seeing this order, they may come back and say, you didn't give us our day in court. We wanted a hearing. We weren't just going to rely on our 2,722-page appendix. We wanted to put on witnesses.

So I didn't have to stick that sentence in there, but I was just sort of anticipating what the Movants might do.

Okay. So, live and learn. I guess I won't, if I'm ever confronted with the situation again, do that. But that's what that was about.

So, my law clerk went and looked at the appellate record in the past few days, because, I mean, again, head-scratcher. We were trying to get a feel for how big a deal was this sentence, okay, to the District Court, if at all. But anyway, we happened to note that in July, July 20, 2021, the District Court record on appeal was supplemented with 1,001 more pages

of record. So I guess, goodness gracious, poor Judge Kinkeade and his staff, they had 3,723 pages of appendix. I don't even know if that's all. You know, I don't know.

But so Judge Kinkeade dismissed the appeal because he said my order was interlocutory on February 9, 2022, and then we didn't see a motion for rehearing or an appeal to the Fifth Circuit or a petition for writ of mandamus to the Fifth Circuit. Five and half months later, this new motion for final appealable order and supplement to the motion to recuse is filed, containing 365 more pages. And then I see that, Mr. Lang, you filed an amended motion to take out certain of the items, with the agreement, the stipulation that was reached with Debtor's counsel, so it's now a 154-page appendix.

But I should add that, in Highland's objection to your latest motion, they attached 86 exhibits, and I couldn't count all those exhibits, but it was more than 5,500 pages. And it was, as I understood it, sort of almost like a rule of optional completeness. If you're going to submit these 154 pages to supplement the record, we think you need to attach more than snippets of a transcript here and there. You need to have the whole context.

So, anyway, I -- you know, look at what you're doing. I'm just -- and I guess I could totally appreciate and understand if there had been a brief order from Judge Kinkeade saying, because of that one sentence, this is an interlocutory order,

no leave to appeal an interlocutory order is warranted, end of order. And, frankly, when you filed your motion, this latest motion, having not seen Judge Kinkeade's order, I thought that's what it was going to say.

So, from the tone of your motion, it sounded like that's all his order was about, just: I have a problem with this last sentence, it makes the whole order interlocutory. And then I go back and read it and he gives four or five different reasons why an order denying a motion to recuse is interlocutory until the end of the case. I know that's a bizarre concept in the world of bankruptcy, but he considered this is even the rule in the world of bankruptcy.

So, anyway, help me to understand why this isn't unnecessary carpet-bombing the Court, me and whoever might hear your petition for writ of mandamus, and the Debtor estate, carpet-bombing us with paper and causing us to expend resources. And, again, we've got this backdrop of the original motion to recuse being filed 15 months after I started presiding over the case and after I had signed 263 orders.

Please, Mr. Lang, please help me to understand if this is warranted. Why, I mean, help me to understand why this is not wasting resources in your view and why this isn't just some strategy. Again, I'm trying to not play psychologist, I'm really trying to understand why you think this is fine.

MR. LANG: Well, Your Honor, we've moved to recuse, and we've stated the grounds, and we have put in documents from the record that we think support those grounds. We have not unnecessarily carpet-bombed. We've cited to the various transcripts. The length of the record is directly related to the length of the transcripts mostly, the various transcripts throughout the proceeding. And so, you know, with respect to the 2,722 pages of appendix, most of those are just complete copies of transcripts.

But again, we're just creating our record to support our position on our motion. And the current motion is eight pages. It's got reference to the additional grounds that we've set forth that we think support our motion. And we attached the various documents and transcripts that, again, support -- we think support our position. And we're making our record for appeal.

And as far as Mr. Pomerantz and the withdrawing of the letters, you know, I was getting ready for trial when Mr. Morris called. And he said, they're hearsay. We had a brief conversation. I disagreed. They filed their motion. When I got the time to look at it, I read through it, and Mr. Morris and I had a conversation, and we decided, you know what, we don't need them, we'll pull them out. Let's just do away with this issue. It's not worth the time to deal with it.

I'm sorry they had to file their motion. But, you know, I

couldn't drop everything at that moment to look through. And again, the reason that he gave was hearsay. So, you know, it's not gamesmanship. It was just, look, you know, when we got down to looking at it, when I looked at it, I decided it wasn't worth the effort and the hassle, and we agreed to pull them down and withdraw them. And that's why I filed the amended motion.

As far as the current appendix, Your Honor, we're just making a record. You know, we're trying to get this thing reviewed. We're making sure the Court is aware of all the grounds and having considered all the grounds and all the actions that we think support our motion. We're giving the Court the opportunity to look at it, and then just enter the order without that language and we'll deal with the mandamus.

Again, the issue is ultimately going to be reviewed. We're trying to get it reviewed. And you're right, you know, we don't have to, you know, you didn't have to have a hearing on the first deal, you don't have to have a hearing on this one.

THE COURT: Okay.

MR. POMERANTZ: Your Honor, this is -- this is just one more match in furtherance of Mr. Dondero's stated desire, as you've heard many times, to burn the place down. We would have hoped, and I guess it would have been naïve to hope, as I know Your Honor has hoped throughout the case, that at some

point in time the Dondero side would stop blaming Your Honor, blaming Mr. Seery, blaming the estate, and actually look at what he can do to put an end to this. Pay his notes, stop raising frivolous claims, so everyone can go on with his life. That's what the estate wanted to do and wants to do. That's what Mr. Seery wants to do. Unfortunately, Mr. Dondero doesn't seem capable of it, and this is just one more match on the flames. And Mr. Lang, doing his job, following his client's wishes, is just one more player in that. But it is extremely frustrating.

THE COURT: Okay. All right. Here's what I'm going to do. First, I'm simply going to deny the pending amended motion for final appealable order and supplement to motion to recuse, as it is procedurally improper as framed. Okay? It was kind of like a Rule 54 motion. It was kind of like a new motion to recuse. It was kind of like a Rule 59 motion for, you know, new -- to put in new evidence, have a new trial, but way untimely for that.

So I'm just denying the motion that's before me. Okay? And by doing that, I mean, I guess, I guess the stipulation and order that's before me on the motion to strike and the motion to compel, I guess I'll -- it's in my queue, I'll sign it, unless someone tells me there is a reason it doesn't make sense to sign it.

But I'm denying the motion before me. But just so it's

clear, Mr. Lang, it's without prejudice to you either filing a simple Rule 54 motion, without attachments, that simply asks me to strike the last sentence of my original order denying your motion to recuse from March 2021.

If you give me a simple Rule 54-based motion simply asking me to strike that sentence, I'll sign it. Without a waiting period. Without a hearing. And I assume Mr. Pomerantz doesn't have a problem with that.

MR. POMERANTZ: That is correct, Your Honor. If all that motion asks for, we would not oppose that.

THE COURT: Okay. It's also, my ruling today denying your motion, is without prejudice to you filing a new motion to recuse, if that's what you want to do, to start this over and supplement the record.

But, you know, proceed as you will. This Court is going to do its duty. And, well, if you want to do that, you do that, but I'll have a more elaborate order if I have to rule on a new motion to recuse. Among other things, I'm going to point out to the Court above, whoever hears this, that because I think timeliness was always an issue I raised in your original order, you know, filing a motion to recuse after confirmation, 15 months after this judge was assigned to the case, and after the judge had signed 263 orders.

You know, we have case authority, as I'm sure you researched and know, that talk about timeliness. Even though

it's not baked into the statute, 28 U.S.C. Section 455, it is a factor. And so this is not *A v. B* litigation. This is a case affecting many, many people. And at some point, don't we have to wonder why a motion would be filed after 263 orders? If your clients legitimately think there was bias, I don't know why they didn't raise the issue way, way earlier in the case.

And that's why these appendices are so huge, right? It dovetails with the timeliness. Okay? Fifteen months. There's a huge, huge, huge, huge record.

So, anyway, do you have any questions, Mr. Lang?

Again, I will say it for at least the third time this morning: I'm worried about judicial resources and estate resources. Okay? And, you know, I have to worry about I'll loosely call my bosses, okay, you know, the courts that grade my papers. The District Court who hears appeals and hears petitions for writ of mandamus. The Fifth Circuit. They're going to get frustrated with me if -- well, you know, if, for example, I had ruled on this motion before me today, a clearly procedurally defective motion. And if I just willy-nilly let people put things in the record without a procedurally proper basis, it just makes more work for the Court of Appeals, right?

So it's not just about the lawyers here. It's not just about me and my staff. It's about the people who grade my

papers. If I granted your motion as it's pending here before me today, I have every reason to think, whether it's Judge Kinkeade or the Fifth Circuit, they would think, what is this judge doing? Okay? So it's just procedurally defective, what you filed. Okay? But, again, you've got the ruling. Do you have any questions?

MR. LANG: I don't.

THE COURT: We're adjourned.

THE CLERK: All rise.

(Proceedings concluded at 10:25 a.m.)

--oOo--

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

/s/ Kathy Rehling **08/31/2022**

_____ _____

Kathy Rehling, CETD-444 Date
Certified Electronic Court Transcriber

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